

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KEVIN SHUMWAY, et al.,

Defendants.

ORDER GRANTING STIPULATED
MOTION TO CONTINUE TRIAL

Case No. 2:09-CR-45 TS

This matter comes before the Court on Defendant David A. Lacy's Stipulated Motion to Continue Trial. That Motion seeks to continue the four-day jury trial currently set for August 16, 2010, and to expand the trial to six days.

Defendant's Motion represents that he has recently discovered potential witnesses in this matter. As a result of these potential witnesses, Defendant has identified a significant number of individuals who may have information relevant to this case and who may be called as witnesses in this trial. Defendant's investigator has, however, encountered various obstacles in his attempt to contact and interview these newly identified individuals. Because of these developments, additional time is necessary for Defendant and his counsel to prepare for trial. Further, Defendant represents that the currently scheduled four days of trial is insufficient and that at least

two additional trial days are needed to accommodate these new witnesses. Finally, Defendant Lacy indicates that he has work obligations that conflict with the current trial dates.

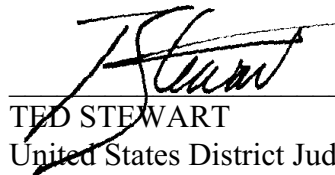
Pursuant to 18 U.S.C. § 3161(h)(7)(B)(i) and (iv), the Court finds the ends of justice served by such a continuance outweigh the best interests of the public and the Defendants in a speedy trial. The Court finds that the failure to grant such a continuance in the proceeding would be likely to make a continuation of such proceeding impossible and result in a miscarriage of justice. The Court further finds that the failure to grant such a continuance would deny counsel for Defendants the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

Based on the Motion and good cause appearing, it is hereby

ORDERED that the four-day jury trial previously scheduled for August 16, 2010, is continued until November 15, 2010, at 8:30 a.m. The time of the delay shall constitute excludable time under the Speedy Trial Act.

DATED July 27, 2010.

BY THE COURT:



TED STEWART
United States District Judge